

**REMARKS**

Applicants respectfully request reconsideration and allowance of the above-identified patent application. By this amendment, claims 1-27 and 45-60 are now pending, wherein claim 45 has been amended to correct a typographical error and claims 56-60 are new. Of the pending claims, claims 1, 17, 45, and 56 are independent claims describing various embodiments of the present invention.

Initially, Applicants note that the Amendment "D" filed on September 17, 2007 is fully responsive to the outstanding Final Office action issued on July 16, 2007. In that response, Applicants positively and succinctly explained how the Office failed to establish a *prima facie* case of obviousness against the then pending claims. Nevertheless, in order to add a new set of focused claims, Applicants are filing this Supplemental Amendment along with a Request for Continued Examination (RCE). Although the Amendment is entitled "Supplemental" and is being filed with an RCE, Applicants maintain and incorporate herein by reference all remarks and arguments made in the previous Amendment "D". In other words, the current filing is NOT a replacement to Applicants' previous response, but instead complements it. As such, the following arguments are directed towards the patentability of the newly added claims, and the Examiner's attention is drawn to Amendment "D" in further support of the patentability of all pending claims.

As previously noted, the Office action rejected all the pending claims under 35 U.S.C. § 103(a) as allegedly being unpatentable by U.S. Patent No. 5,668,958 to Bendert et al. ("*Bendert*") in view of U.S. Patent No. 6,706,733 to Komine et al. ("*Komine*"). In addition to Applicants' previous traversal, Applicants also respectfully submit that this combination (and

any other combination of cited references) does not render the newly submitted claims unpatentable.

Also as previously mentioned, embodiments generally enhance the two-phase commit protocol for transactions that occur across a plurality of databases within a volume. Each resource manager in a volume independently maintains a set of transactional metadata used to monitor and control resources or collection of files that are contained within its scope. The scope may be defined based on such things as a directory hierarchy and a file is only under the control of a single resource manager, which guarantees transactional consistency.

The newly added independent claim 56 describes in specific detail the steps used in determining what resource manager is used to control a resource file object opened, or if the file object itself is a root or subdirectory resource manager. Support for this claim and its dependencies can be found through out the Specification, e.g., with reference to Figures 3, 4, and 5.

Applicants respectfully note that in addition to the other deficiencies of the cited prior art, these references make no mention of a hierarchical data structure used to associate a file object with a resource manager; and therefore, cannot possibly disclose or suggest the method described above with regard to claim 56. As such, claims 56-59 are also patentably distinguishable over the prior art of record for these and Applicants' previously submitted arguments.

For at least the foregoing reasons (as well as those reasons outlined in Applicants' previous response<sup>1</sup>), Applicants respectfully submit that the Office action fails to establish a *prima facie* case of obviousness. As such, Applicants respectfully submit that the cited prior art fails to make obvious Applicants' invention as claimed for example, in independent claims 1, 17,

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<sup>1</sup> For example, the Office's failure to provide any motivation to combine reference teachings, the "teaching away" of the prior art, the combination rendering the primary reference inoperable for its intended purpose, etc.

45, and 56. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable and Applicants reserve the right to do so.

All objections and rejections having been addressed, Applicants respectfully submit that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any questions arise in conjunction with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at 1-801-533-9800.

DATED this 31<sup>st</sup> day of October, 2007.

Respectfully Submitted,

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